

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	Criminal No. 19-CR-10246-DPW
	)	
FESNEL LAFORTUNE,	)	
	)	
Defendant	)	

GOVERNMENT’S MOTION FOR A PRETRIAL CONFERENCE AND EXCLUSION OF  
TIME UNDER THE SPEEDY TRIAL ACT

The United States of America, by and through Assistant United States Attorneys Leslie A. Wright and Mark J. Balthazard, respectfully move this Court to set a pretrial conference and exclude the time period from today, September 5, 2019, through and including the date of the pretrial conference from the speedy trial clock, on the grounds that the ends of justice served by granting the requested continuance and excluding this period outweigh the best interests of the public and the defendant in a speedy trial. In support of this motion, the government states as follows:

1. On July 8, 2019, the defendant was charged by complaint with one count of conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349. (*See* D.E. 1.)
2. The defendant made his initial appearance before Judge Hennessy on July 9, 2019. On its own motion, the Court ordered the defendant detained pending a detention hearing set for July 15, 2019. (*See* D.E. 9.)

3. At the detention hearing on July 15, 2019, defense counsel requested that the Court enter a voluntary order of detention. The Court allowed the request and thereafter entered an order of detention. (*See* D.E. 13, 14.) The defendant remains detained.

4. On July 18, 2019, a grand jury sitting in the District of Massachusetts returned an indictment charging the defendant with one count of conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349, and one count of aggravated identity theft, in violation of Title 18, United States Code, Section 1028A(a)(1). (*See* D.E. 18.)

5. The defendant was arraigned on July 23, 2019 and entered a plea of not guilty to both counts of the indictment. Judge Hennessy set a deadline for automatic discovery of August 20, 2019 and scheduled an initial status conference for September 5, 2019. Over the defendant's objection, Judge Hennessy entered an order excluding the time from the defendant's arraignment through the date of the initial status conference. (*See* D.E. 21–24.)

6. The government produced automatic discovery, subject to the provisions of the protective order entered by Judge Hennessy (*see* D.E. 27), on August 20, 2019. The government produced supplementary discovery materials on August 26, 2019. Limited additional discovery will be produced over the coming weeks.

7. The initial status conference was held today, September 5, 2019. During the conference, defense counsel indicated that the defendant requests a trial as soon as possible, does not anticipate filing any pretrial motions, and objects to any additional periods of excludable delay. Judge Hennessy has thus returned the case to this Court. (*See* D.E. 30, 31.)

Wherefore, the government respectfully requests that this Court set a pretrial conference and exclude the time period from today, September 5, 2019, through and including the date of the pretrial conference from the speedy trial clock, on the grounds that the ends of justice served by

granting the requested continuance and excluding this period outweigh the best interests of the public and the defendant in a speedy trial. The government has conferred with defense counsel regarding this request, and while the defendant assents to the scheduling of a pretrial conference, he objects to the exclusion of time.

Respectfully submitted,

ANDREW E. LELLING  
United States Attorney

By: /s/ Leslie A. Wright  
LESLIE A. WRIGHT  
MARK J. BALTHAZARD  
Assistant United States Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants identified on the Notice of Electronic Filing (NEF).

Dated: September 5, 2019

By: /s/ Leslie A. Wright  
LESLIE A. WRIGHT  
Assistant United States Attorney